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E-filed: October 31, 2016.

Counsel for Christian and Anna Carla Lopez

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re: ALAN DAVID TIKAL,

Debtor.

Bankruptcy No. 11-23486-LED

Chapter 7

CHRISTIAN LOPEZ & ANNA CARLA
LOPEZ,

Plaintiffs,

vs.

ALAN DAVID TIKAL, also known as
DAVID ALAN TIKAL, individually and as
Trustee of KATN REVOCABLE LIVING
TRUST; VICTORIA NELSON, solely in
her official capacity as Chapter 7 Trustee,

Defendants.

Adv. Pro. No. 16-01045-LED

**DECLARATION OF JAMES D.
GREENE IN SUPPORT OF
APPLICATION FOR DEFAULT
JUDGMENT AGAINST
DEFENDANTS ALAN DAVID
TIKAL AND VICTORIA NELSON**

Hearing Date: December 5, 2016
Hearing Time: 1:30 p.m.

I, James D. Greene, declare as follows:

1. I am a partner of the law firm Greene Infuso, LLP, counsel of record for Plaintiffs Christian Lopez and Anna Carla Lopez (collectively "Plaintiffs") in the above-captioned adversary proceeding. I am over 18-years-old, have personal knowledge of the facts set forth herein, and if called upon to testify, could and would competently do so.

2. I make this Declaration in support of the accompanying Application for Entry of Default Judgement Against Defendants Alan David Tikal, also known as David Alan Tikal,

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1 individually and as Trustee of the KATN Revocable Living Trust ("Defendant Tikal"), and
2 Victoria Nelson, solely in here official capacity as Chapter 7 Trustee ("Defendant Nelson") filed
3 concurrently.

4 3. Defendant Tikal filed this bankruptcy under Chapter 11 of the Bankruptcy Code on
5 August 25, 2011. The Court entered an order converting this case to Chapter 7 on October 20,
6 2011. Defendant Nelson was appointed Chapter 7 Trustee.

7 4. On August 3, 2016, Plaintiffs, by and through their counsel of record, filed an
8 amended adversary complaint against Defendant Tikal and Defendant Nelson. **(ECF No. 9.)**

9 5. On August 4, 2016, this Court issued Summonses and Notices of Scheduling
10 Conference in an Adversary Proceeding to Defendant Tikal and Defendant Nelson. **(ECF No.**
11 **12.)**

12 6. On August 4, 2016, Defendant Tikal and Defendant Nelson were served with the
13 Summonses, Adversary Complaint, Standard Discovery Plan, and Scheduling Order Packet.
14 **(ECF Nos. 13, 14 & 15.)**

15 7. More than thirty (30) days, exclusive of the day of service, have lapsed since
16 service of the Summonses, Adversary Complaint, Standard Discovery Plan, and Scheduling Order
17 Packet on Defendant Tikal and Defendant Nelson.

18 8. Defendant Tikal and Defendant Nelson have not answered or otherwise plead,
19 appeared, or responded to the Complaint, and has not requested any additional time in which to
20 file an answer or otherwise plead.

21 9. On September 27, 2016, Plaintiffs filed an Amended Request for Entry of Default
22 against Defendants with supporting documents. **(ECF Nos. 19 & 20.)**


23 10. On September 28, 2016, the Court entered Default against Defendant Tikal and
24 Defendant Nelson. **(ECF No. 21.)**

25 11. Defendant Tikal and Defendant Nelson are not infants or incompetent persons, and
26 are not presently serving in the military of the United States of America.

27 12. Plaintiffs now request the Court to enter Default Judgment against Defendant Tikal
28 and Defendant Nelson.

1 I declare under the penalty of perjury of the laws of the United States of America that
2 these facts are true and correct to the best of my knowledge.

3 Dated this 31st day of October, 2016.

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7 JAMES D. GREENE
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CERTIFICATE OF SERVICE

I am employed by the law firm of Greene Infuso, LLP in Clark County. I am over the age of 18 and not a party to this action. My business address is 3030 South Jones Boulevard, Suite 101, Las Vegas, Nevada 89146.

On October 31st, 2016, I served the document(s), described as: DECLARATION OF JAMES D. GREENE IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT AGAINST DEFENDANTS ALAN DAVID TIKAL AND VICTORIA NELSON

☒ by placing the ☐ original ☒ a true copy thereof enclosed in a sealed envelope addressed as follows:

☐ a. ECF System (*You must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary*)

☒ b. BY U.S. MAIL. I deposited such envelope in the mail at Las Vegas, Nevada. The envelope(s) were mailed with postage thereon fully prepaid.

Alan David Tikal
c/o Ray Kornfield
8121 Caramel Gorge Court
Las Vegas, Nevada 89143

Alan David Tikal
c/o Ray Kornfield
FCI
13777 Air Expressway Blvd.
Victorville, CA 92394

Victoria Nelson
3900 Paradise Road. Suite U
Las Vegas, Nevada 89169

United States Trustee
300 Las Vegas Blvd. South
Fourth Floor
Las Vegas, Nevada 89101

I am readily familiar with Greene Infuso, LLP practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S.

Postal Service on the same day which is stated in the proof of service, with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

- ☐ c. BY PERSONAL SERVICE.
- ☐ d. BY DIRECT EMAIL
- ☐ e. BY FACSIMILE TRANSMISSION

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 31st day of October, 2016

/s/ K. Farney

An employee of Greene Infuso, LLP

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